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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,858	12/31/2003	Joseph Whitehead	2003P08292US01	6335
7590 06/02/2005				
Harold C. Moore Maginot, Moore & Beck Bank One Center/Tower, Suite 3000 111 Monument Circle Indianapolis, IN 46204-5115			EXAMINER BHAT, ADITYA S	
			ART UNIT 2863	PAPER NUMBER

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/749,858

Applicant(s)

WHITEHEAD, JOSEPH

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Specification*

1. The disclosure is objected to because of the following informalities: The word "sever" is misspelled. (Page 14, line 10).

Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Jensen et al. (USPN 5,446,677).

With regards to claims 1 & 11, Jensen et al. (USPN 5,446,677) teaches a system and a method for automatically testing in parallel multiple variable air volume (VAV) boxes coupled to the same floor level network comprising:

communicating with a floor level network from a building level network;  
(Col. 1, lines 52-55 & 67-68) (see figure 1) and

sending at least one test parameter to a plurality of variable air volume (VAV) boxes (Col. 7, lines 63-64) coupled to the floor level network (Refer to figure 1) so that at least two VAV boxes are responding to the one test parameter at approximately the same time. (Col. 8, lines 17-25)

Art Unit: 2863

With regards to claims 2 and 12, Jensen et al. (USPN 5,446,677) teaches sending at least one test parameter associated with a first test procedure to a first VAV box coupled to the floor level network; (Col.8, lines 33-34) and

sending at least one test parameter associated with a second test procedure to a second VAV box coupled to the floor level network so that the first and second VAV boxes are responding to a test parameter associated with different test procedures at approximately the same time. (Col.8, lines 33-34)

With regards to claims 3 and 13, Jensen et al. (USPN 5,446,677) teaches sending a calibration (adjusting) procedure parameter to a first VAV box coupled to the floor level network; and delaying before sending the calibration procedure parameter to a second VAV box coupled to the floor level network so that the first and second VAV boxes are not responding to the calibration procedure parameter at approximately the same time. (Col. 8, lines 10-12) (Col.12, line 14)

With regards to claims 4 and 14, Jensen et al. (USPN 5,446,677) teaches receiving test messages from the VAV boxes coupled to the floor level network in response to the at least one test parameter sent to the VAV boxes; and analyzing the test messages received from the VAV boxes to determine whether a VAV box passed a test. (Col.8, lines 14-16)

With regards to claims 5 and 15, Jensen et al. (USPN 5,446,677) teaches determining a cause for a test failure from at least one test message received from at least one VAV box. (Col.8, lines 14-20)

With regards to claims 6 and 16, Jensen et al. (USPN 5,446,677) teaches generating a warning in response to a VAV box passing a test, the warning indicating a marginal condition in the VAV box. (Col.8, lines 14-20)

With regards to claims 7 and 17, Jensen et al. (USPN 5,446,677) teaches polling a plurality of devices coupled to the floor level network; determining from an identifier in a response to the polling whether a device is a VAV box; and storing the identifier in a VAV procedure list in response to a determination that the device is a VAV box. (Col.8, lines 17-20) (Col.1, lines 52-55)

With regards to claims 8 and 18, Jensen et al. (USPN 5,446,677) teaches sending at least one test parameter from a calibration procedure, an auto zero module procedure, a damper operation and airflow procedure, a heating function procedure, and a control function procedure to at least one of the VAV boxes coupled to the floor level network. (Col.8-11 lines 35-67,1-68,1-68 &1-20)

With regards to claims 9 and 19, Jensen et al. (USPN 5,446,677) teaches terminating testing of a VAV box coupled to the floor network in response to the VAV box failing to calibrate. (Col.1, lines 62-63)

With regards to claims 10 and 20, Jensen et al. (USPN 5,446,677) teaches determining whether a temperature message received from a VAV box in response to a test parameter for the heating function procedure contains a room temperature or a discharge temperature. (Col.1, lines 42-46)

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Seem et al. (USPN 5,682,329) teaches a on line

Art Unit: 2863

monitoring of controllers in a n environment control network, Frey et al. (USPN 5,481,481) teaches an automated diagnostic system having temporally coordinated wireless sensors, Ahmed et al. (USPUB 2004/0186599) teaches a system and method for model based control of a building fluid distribution system, Frecska et al. (USPUB 2004/0158359) teaches a sensor system for measuring and monitoring indoor air quality, Imhof et al. (USPUB 2004/0210348) teaches a building system with network operation monitoring, Kline et al. (USPN 6,241,156) teaches a process and apparatus for individual adjustment of an operating parameter of a plurality of environmental control devices through a global computer network and McIlhany et al. (USPUB 2004/0167672) teaches a field panel event logging in a building control system.


4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat  
May 24, 2005



John Barlow  
Supervisory Patent Examiner  
Technology Center 2800